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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

Application Number: 09/882,148
Filing Date: June 15, 2001
Appellant(s): BARRETT ET AL.

DEC 26 2007

GROUP 3600

John R. Pivnichny
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 24, 2007 appealing from the Office action mailed October 16, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

There is only one ground of rejection. Claims 1-13 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Young (U.S. Patent 6,915,270) in view of Barnes (U.S. Patent 6,950,802).

(7) **The copy of the appealed claims contained in the Appendix to the brief is correct.**

(8) **Evidence relied upon**

(U.S. Patent No. 6,915,270) YOUNG ET AL.

(U.S. Patent No. 6,950,802). BARNES ET AL.

(9) **Grounds of rejection**

The ground(s) of rejection are applicable to the appealed claims: The ground(s) of rejection are reproduced below from the Final Office Action and is provided here for the convenience of Both the Appellant and the Board of Patent Appeals.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al (U.S. Patent No. 6,915,270) in view of Barnes et al (U.S. Patent No. 6,950,802).

As per claim 1, Young et al disclose a customer relationship management business method comprising defining an engagement model which will be used to address a marketplace requirement (col. 2 line 59 through col. 3 line 28), thereafter using said engagement model to create an industry-wide engagement template applicable to all businesses in said marketplace

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(See Figure 6; col. 13, lines 61-66). Young et al does not explicitly disclose the concept of modifying said industry-wide engagement template to address requirements of a specific client within said marketplace. However, modifying templates is old and well-known in the database art for allowing users to manipulate data in a marketplace. Including modifying said industry-wide engagement template to address requirements of a specific client within said marketplace would have been obvious to a person of ordinary skill in the art so that an end user may have different configurable templates that can be applied to different document types (i.e. e-mail, secure internal documents, database records, etc.). Further, Young et al does not explicitly disclose measuring, monitoring, and controlling a client engagement based upon said modified industry-wide engagement template. Barnes et al in the same field of endeavor, discloses the concept of utilizing a template for monitoring and controlling a client engagement based on an engagement template (col. 19, lines 35-46). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Young et al to include the teachings of Barnes et al in order to monitor development consistency across engagements.

As per claim 2, Barnes et al discloses the steps of enabling a generic engagement model for addressing said marketplace requirement, and generating work product descriptions specified by said engagement model (col. 7, lines 38-42).

As per claim 3, Young et al further discloses using said engagement model to create a plurality of industry-wide engagement templates each said template applicable to all businesses in each of a respective plurality of industries in said marketplace (col. 3, line 61 through 4 line 6).

As per claim 4, Barnes et al discloses wherein said generic engagement model includes

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definitions of best practices and reusable assets (col. 7, lines 38-42).

As per claim 5, Barnes et al discloses the step of creating attack, resource, and deployment plans for said client engagement using said modified industry-wide engagement template (col. 7, lines 43-47).

As per claim 6, Barnes et al discloses the step of cyclically redefining said modified industry-wide engagement template while deploying said work product descriptions (col. 7, lines 48-51).

As per claim 7, Barnes et al discloses the step of allocating resources to further attack said marketplace requirement based upon said monitoring (col. 7, lines 51-53).

As per claims 8-9 are computer program product for instructing a processor to assist in performing a business engagement process, said computer program product comprising: a computer readable medium for performing the steps of rejected method claim 1 above. Therefore, claim 8 is rejected under the same rationale relied upon of claim 1 above. In addition, Young further discloses a computer readable medium. Note col. 23, lines 32-35).

As per claim 10 and 12, Young et al further discloses wherein said engagement model is made up of a process description and is implemented as a work breakdown structure of phases, activities, tasks, work product descriptions, techniques, and roles (col. 5, lines 7-14).

As per claim 11 and 13, Barnes et al discloses wherein said engagement model defines what gets produced over the lifetime of said business engagement, roles required to perform said business engagement, and techniques to be used (col. 5, lines 24-30).

(7) Response to Argument

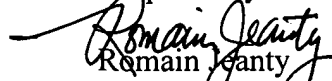
Appellant asserts that Young in combination with Barnes fail to teach the claimed invention. Appellant further supports his assertion by arguing that the combination of Young and Barnes does not describe or suggest creating an industry-wide engagement using an engagement model. In response, the examiner respectfully disagrees. Barnes teaches the concept of defining an industry-wide engagement using an engagement model. Note the abstract and col. 3, lines 25-45. Furthermore, in response to Appellant's argument on how that subject matter experts create this industry-wide template for a specific industry, such as procurement, manufacturing, or banking, by extracting out from the engagement model. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., subject matter experts create this industry-wide template for a specific industry, such as procurement, manufacturing, or banking, by extracting out from the engagement model) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Appellant further argues that there is no suggestion that the actual project is in any applicable to all business in the marketplace. The examiner respectfully disagrees because Barnes teaches the use of the engagement template for a business of an organization within a marketplace. Note col. 2, lines 25-34 and col. 4, lines 32-44 of Barnes.


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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


Romain Janty
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